



# UNITED STATES DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

### FOIA Service Center

October 2, 2019

Mr. Austin R. Evers  
Executive Director  
American Oversight  
1030 15th Street, Suite B255  
Washington, DC 20002

RE: FOIA Request No. 19-02215-F

Dear Austin R. Evers:

This letter is an interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated September 9, 2019 and received in this office on September 10, 2019. Your request was forwarded to the appropriate offices to search for documents that may be responsive to your request: Office of the Secretary (OS), Office of the General Counsel (OGC), Office of Communications and Outreach (OCO) and Federal Student Aid (FSA).

You requested:

- All email communications (including emails, email attachments, and calendar invitations) between (1) the Education Officials specified below and (2) registered lobbyists for PHEAA Scott Miller (smiller1@pheaa.org), Kathleen Smith (ksmith@pheaa.org), Robert Cameron (rcameron@pheaa.org), or David Urban (urban@acg-consultants.com).

Specified Education officials:

- i. Secretary Betsy DeVos, and any scheduler or assistant communicating on her behalf
- ii. Nate Bailey
- iii. Josh Venable
- iv. Robert Eitel
- v. Steven Menashi
- vi. Kathleen Smith
- vii. Mark LaVia
- viii. James Manning
- ix. Jana Toner
- x. Mark A. Brown

Please provide all responsive records from January 20, 2017, through the date the search is conducted.

This response pertains to records available in OS and OCO. Attached to this e-mail are 4 pages of documents responsive to your request. The documents provided are:

- Documents pertaining to all communication between Education Officials and lobbyists for PHEAA.

However, certain information has been withheld according to FOIA exemptions (b)(5) and (b)(6), specified below:

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.
- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. § 552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

At this time, the Department is continuing to process your request. You will receive any additional documents under a separate cover letter.

Sincerely,

*Arthur Caliguiran*

Arthur Caliguiran  
FOIA Analyst  
FOIA Service Center

Enclosure

**Rierner, Jeffrey (Justin)**

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**From:** Rierner, Jeffrey (Justin)  
**Sent:** Thursday, April 5, 2018 9:21 AM  
**To:** Menashi, Steven; Smith, Kathleen  
**Cc:** Manning, James  
**Subject:** RE: PHEAA and the Connecticut Department Banking

(b)(5)

Thanks,  
Justin

--  
Justin Rierner  
Special Counsel  
[Jeffrey.Rierner@ed.gov](mailto:Jeffrey.Rierner@ed.gov)  
Phone: 202-453-7063  
Cell: (b)(6)

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**From:** Menashi, Steven  
**Sent:** Thursday, April 05, 2018 9:06 AM  
**To:** Smith, Kathleen  
**Cc:** Rierner, Jeffrey (Justin); Manning, James  
**Subject:** Re: PHEAA and the Connecticut Department Banking

Do we have the complaint?

On Apr 5, 2018, at 7:53 AM, Smith, Kathleen <[Kathleen.Smith@ed.gov](mailto:Kathleen.Smith@ed.gov)> wrote:

Assuming you have been made aware, but FYI

**From:** Scott E Miller [<mailto:smiller1@pheaa.org>]  
**Sent:** Thursday, April 05, 2018 7:44 AM  
**To:** Smith, Kathleen; Manning, James  
**Subject:** PHEAA and the Connecticut Department Banking

Last night, PHEAA took the unusual action of filing in federal court for a declaratory action against the State of Connecticut Department of Banking. This action was taken in response to the Connecticut Department of Banking's intention to revoke PHEAA's license to service student loans in the state. Attached is a summary of the events that led up to the filing.

In short, as part of its oversight of licensed student loan servicers, Connecticut's Department of Banking asked PHEAA to respond to a 40-plus question request. Of those questions, only three requested Non-public Personally Identifiable Information (NPPI) for federal Direct Loan borrowers. As required, PHEAA asked the U.S. Department's Federal Student Assistance (FSA) for permission to respond to Connecticut's

request in full. (b)(5)

(b)(5)

While the Connecticut Department of Banking does provide for PHEAA to appeal the revoking of its student loan servicing license, PHEAA needed to file this action immediately to protect the borrowers it services for the federal government and for other clients and to protect its ability to honor its loan servicing contracts.

PHEAA hopes that the federal court decides this matter in a timely manner so that PHEAA and all other federal servicers have needed clarity in this and similar matters. At its core, this matter is a dispute between FSA and the Connecticut Department of Banking. PHEAA should not be caught in the middle between these two government entities.

Please feel free to contact me if I can provide any additional information. I would be glad to schedule time next week to meet in person.

Thank you

Scott

Scott E. Miller  
Senior Vice President and Director of Federal Relations  
Pennsylvania Higher Education Assistance Agency (PHEAA)  
202-955-0055  
[smiller1@pheaa.org](mailto:smiller1@pheaa.org)

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The sender of this message will fully cooperate in the civil and criminal prosecution of any individual engaging in the unauthorized use of this message.

Code:PHEAA

<Connecticut Issues Summary -- April 5, 2018.docx>

**Smith, Kathleen**

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**From:** Smith, Kathleen  
**Sent:** Wednesday, June 28, 2017 4:42 PM  
**To:** Eitel, Robert; Menashi, Steven  
**Cc:** Manning, James; Bailey, Nathan; Hill, Elizabeth  
**Subject:** FW: Massachusetts Attorney General -- Letter from Rep. Thompson  
**Attachments:** Rep. Thompson Letter to Sec DeVos re MA AG.pdf

FYI – can fill you on other States passing laws to license fed loan servicers

**From:** Scott E Miller [mailto:smiller1@pheaa.org]  
**Sent:** Wednesday, June 28, 2017 4:29 PM  
**To:** Manning, James; Smith, Kathleen  
**Subject:** Massachusetts Attorney General -- Letter from Rep. Thompson

Attached is a letter that Rep. Glenn Thompson of Pennsylvania sent to Secretary DeVos today regarding the imminent action from the Massachusetts Attorney General. Rep. Thompson's letter reiterates PHEAA's view that FSA and its contractors are being put at risk by the intervention of state attorneys general into the TIVAS contract. It is possible that the Massachusetts Attorney General could issue a press release as early as tomorrow.

We respectfully request the the Department contact the Massachusetts Attorney General and become a party to all discussions in this matter. ED needs to protect the federal interest.

Please let me know if you have any questions.

Thank you

Scott

Scott E. Miller  
Senior Vice President and Director of Federal Relations  
Pennsylvania Higher Education Assistance Agency (PHEAA)  
202-955-0055  
[smiller1@pheaa.org](mailto:smiller1@pheaa.org)

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Code:PHEAA



GLENN "GT" THOMPSON  
5TH DISTRICT, PENNSYLVANIA

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<http://thompson.house.gov>



**Congress of the United States**  
**House of Representatives**

AGRICULTURE  
*Chairman, Subcommittee on  
Conservation and Forestry*

EDUCATION & THE WORKFORCE

NATURAL RESOURCES

June 28, 2017

The Honorable Betsy DeVos  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C., 20202

Dear Secretary DeVos:

I write to bring to your attention to a matter regarding the Pennsylvania Higher Education Assistance Agency (PHEAA). This issue also has broader implications for all federal student loan servicers.

PHEAA has been notified that the Attorney General of the Commonwealth of Massachusetts plans to announce an enforcement action against PHEAA, with associated penalties due to its role as a contracted servicer under the Federal Title IV Additional Servicers contract. PHEAA performs services under this contract as FedLoan Servicing.

As a federal contractor for the U.S. Department of Education (the Department), PHEAA deserves full cooperation and leadership from the Department in cases where an outside entity (in this case a State Attorney General) is examining practices directly related to its execution of a federal contract including its adherence to programmatic requirements and guidance received from the Department. PHEAA has already spent considerable time and resources responding to requests from the Massachusetts Attorney General and assisting them in understanding the complexities of student loan servicing. I believe it is incumbent upon the Department to provide guidance and work on behalf of its contractors to ensure consistent application of the regulations governing higher education lending. PHEAA has already received a subpoena from the New York State Attorney General on a similar matter and other federal loan servicers have also been scrutinized by other jurisdictions.

For these many reasons, I respectfully request that the Department immediately assert its authority in this matter and work with the aforementioned parties to bring about a timely resolution. Thank you for your attention to this matter, I look forward to your timely response.

Sincerely,

Glenn "GT" Thompson  
Member of Congress

TITUSVILLE

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